

REGULAR CITY COUNCIL MEETING

FEBRUARY 25, 1985

PRESENT

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Neil Dutson	Council Member
Gayle Bunker	Council Member
Ruth Hansen	Council Member
Craig Greathouse	Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan	City Manager
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
John Quick	City Engineer
Doyle Bender	City Treasurer
Bob Pendray	Contractor
Clayton Black	Contractor
Jim Fletcher	KNAK Radio Station
Dr. Kenneth Topham	Superintendent, Millard Co. Schools

Mayor Grant Nielson called the meeting to order at 7:00 p.m. and stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle Progress, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

Minutes of a regular City Council meeting held January 21, 1985, were presented for the Council's consideration and approval. Following a brief review of the minutes in which corrections were suggested, Council Member Gayle Bunker MOVED that the minutes of the regular City Council meeting held January 21, 1985, be approved as corrected. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson then asked if there were any further comments or questions regarding the minutes. There being none, he called for a vote on the motion. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council discussed the list of accounts payable, which had been distributed to the Council members two days prior to the meeting, after

which Council Member Don Dafoe MOVED for payment of the accounts payable as presented to the Council. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson asked if there were any further comments or questions regarding the accounts payable. There being none, he called for a vote on the motion. The motion passed unanimously.

BOB PENDRAY: APPROVAL OF PLAT L FOR PENDRAY ESTATES SUBDIVISION

Mr. Bob Pendray was recognized by Mayor Nielson. Mr. Pendray displayed for the Council's review a plat map of Plat L of Pendray Estates and explained that City Engineer John Quick had requested some changes be included on the plat map prior to his signature being placed on it. However, Mr. Quick has not had an opportunity to review the plat since the changes were made. Mr. Pendray then explained the changes Mr. Quick requested were (1) that a 6-inch water line be put in between the NorDel subdivision and the Pendray subdivision and, (2) that 490 East Street be tied into the Bunker subdivision from the Pendray subdivision. Mr. Pendray explained that this has been done and he requested that the Council grant approval of the first plat for Plat L of Pendray Estates Subdivision.

City Manager Jim Allan asked Mr. Pendray if he felt the drainage ditch located between the Pendray subdivision and the NorDel subdivision should be covered. Mr. Pendray stated, "I definitely feel that at some point in time that drainage ditch will have to be covered, but I feel that there are many problems that will have to be solved prior to the drain being covered. For example, how the cost of the project will be funded because there are several persons using the drain for surface run-off, such as the Quinn Shepherd property, Millard County School District, Delta City, the Robert Harris property and the Pendray subdivision. Because of this fact, the cost of covering the drain will have to be shared by several individuals."

Mr. Pendray then requested that the Council grant approval of Plat L of the Pendray subdivision, subject to obtaining the signatures of the Mayor and City Recorder, the City Attorney and the City Engineer. Following further review of the issue, Council Member Don Dafoe MOVED to approve Plat L of the Pendray subdivision subject to the review and approval by the City Engineer and City Attorney. The motion was SECONDED by Council Member Ruth Hansen. Mayor Nielson then asked if there were any further questions or comments regarding the request.

Attorney Peterson pointed out there may be some cause for concern regarding the strip of land now owned by Pendray Development which was previously part of 400 North Street prior to its vacation by the City Council. He said the strip of land, fifty feet in width, had not been included in Plat L. The City ordinances required that improvement for subdivisions include the fencing of any irrigation or drainage ditch which is adjacent to the said property, he said. The subdivision ordinance also prohibits use of protective strips or omission of property from a plat in order to avoid fencing or street improvements. He asked the Council to determine whether such a condition was present here prior to approval of the plat. Mr. Pendray informed the Council the aforementioned adjacent property would be deeded to the property owners.

Mr. Pendray stated they have been fencing those areas, or they have credited the persons purchasing the affected lots with the cost of the fencing, and they, in turn, have installed their own fencing. Mr. Pendray further stated that each of the homeowners have been informed of the possibility that at some point in time the drain ditch may be covered. The Council members concurred that Plat L could be approved as submitted.

Mayor Nielson then asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion passed unanimously.

SUPERINTENDENT DR. KENNETH TOPHAM: MILLARD COUNTY SCHOOL DISTRICT'S OFFER TO SELL PROPERTY IN BLOCK 74 (OLD FOOTBALL FIELD)

Superintendent Dr. Kenneth Topham informed the Council that the Millard County School Board has decided to sell the property commonly known as the old football field, which is located just North of the Delta City Municipal Building in Block 74. The Board instructed him to offer to sell the property to Delta City. The Council members raised questions regarding uses the City would have for the property. The following are some of the uses which the Council felt the City could have for the property:

1. A jogging trail. There are many persons in Delta that would utilize a well-lighted and properly prepared jogging trail.
2. Little league football. For years the property has been used for the youth to play little league football.
3. Additional park area. It was the opinion of the Council that the City could use additional park area for the younger people that do not have driver's license, and therefore do not have transportation to the regional park at White Sage.

Mayor Nielson stated he felt it would be an excellent plan for the City to purchase the property and that the property could be utilized in many different ways. However, he was concerned about the funding for the purchase of the property.

Council Member Don Dafoe questioned the possibility of a trade-off between the School District and the City regarding the street and drainage improvement project at the Delta South Elementary School.

Council Member Ruth Hansen recommended all of the possibilities be reviewed and a proposal be prepared by the Mayor and City Attorney to be presented at the next City Council meeting for further discussion. Superintendent Topham informed the Council that the next regularly scheduled Millard County School Board meeting will be held March 20 in Fillmore.

Following further discussion, the Council concurred that a proposal for the purchase of the old football field should be prepared and presented to the Millard County School Board at the March 20 meeting.

CITY ATTORNEY WARREN PETERSON: PROPOSED RESOLUTION AUTHORIZING ACCEPTANCE
OF WHITE SAGE DRAINAGE BASIN DEDICATION

Mayor Nielson asked City Attorney Warren Peterson to explain the proposed Resolution 85-120. Mr. Peterson informed the Council that the proposed resolution accepted dedication of a drainage retention basin located within the White Sage Development. Following a brief discussion of the issue, Council Member Don Dafoe MOVED the Council adopt Resolution No. 85-120, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA,
UTAH ACCEPTING DEDICATION FROM INTERMOUNTAIN POWER
AGENCY OF REAL PROPERTY LOCATED WITHIN THE WHITE SAGE
ANNEXATION

accepting dedication of 1.018 acres for use as a drainage retention basin within the White Sage annexation area. The motion was SECONDED by Council Member Ruth Hansen. Mayor Nielson then called for a roll call vote on the motion. The voting was as follows:

Council Member Neil Dutson	YES
Council Member Gayle Bunker	YES
Council Member Craig Greathouse	YES
Council Member Ruth Hansen	YES
Council Member Don Dafoe	YES

Following the voting, Mayor Nielson signed the resolution and it was attested by City Recorder Dorothy Jeffery.

CITY ATTORNEY WARREN PETERSON: PROPOSED RESOLUTION ON MITCHELL V. MYERS
PARK DEDICATION FOR WHITE SAGE ANNEXATION

At the request of Mayor Nielson, Attorney Peterson explained to the Council that when the Council accepted the dedication of the White Sage Regional Park, there was a section of ground included in the regional park to be dedicated by Mr. Mitchell Myers as part of Mr. Myers' annexation requirement on the White Sage Annexation. The section of ground that Mr. Myers intends to dedicate to the City includes part of the White Sage Regional Park Manzanita Drive, and a 43 foot wide by 465 foot long strip of land adjacent to Manzanita Drive. Attorney Peterson told the Council that Mr. Myers has requested that the City adopt a resolution declaring that if he dedicates the aforementioned section of property to the City, his park dedication requirements for the White Sage annexation will be filled.

Following further discussion of the issue, Council Member Ruth Hansen MOVED that Attorney Peterson be instructed to prepare a resolution regarding the properties Mr. Mitchell Myers is dedicating to Delta City for the park dedication requirements for the annexation of his property at White Sage. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

MAYOR GRANT S. NIELSON: APPOINTMENT OF WEST MILLARD RECREATION DISTRICT BOARD MEMBER TO REPLACE SHELDON CANNON

Mayor Nielson informed the Council that Mr. Sheldon Cannon was appointed to the West Millard Recreation District Board by the previous Council. Mr. Cannon has recently submitted his resignation from the Board effective immediately. Mayor Nielson then recommended the Council appoint Mr. Edwin Lyman as the replacement for Mr. Cannon. Council Member Neil Dutson MOVED the Council appoint Mr. Edwin Lyman as the Delta City representative on the West Millard Recreation District Board, effective immediately. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson then asked if there were any further comments or questions regarding the appointment. There being none, he called for a vote on the motion. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: BOARD OF APPEALS UPDATE

Council Member Gayle Bunker told the Council a meeting has been scheduled for Thursday, February 28, for the Building Code Board of Appeals for reviewing violations to the Delta City building code. He said they will review the Roger Stephenson appeal. Council Member Bunker then told the Council that he would report the decision of the appeals board to the Council at the next regularly scheduled Council meeting.

COUNCIL MEMBER DON DAFOE: DISCUSSION OF DELTA CITY'S PURCHASING POLICY

Council Member Don Dafoe informed the Council he had requested the review of the present City purchasing policy be placed on the agenda because he reviewed the policy recently and could not find anything written in the policy where the bidding and/or purchasing by Delta City is restricted to just within the confines of the Delta City limits. Council Member Dafoe further stated that when someone outside of our area is speaking of Delta, they generally refer to all of the West Millard County area, and in his opinion he feels the "shop within Delta City limits" procedure that has recently been in effect should be discontinued. He requested that the preferred bidder status given to businesses within Delta should be redefined to include all businesses within the West Millard area.

Council Member Gayle Bunker expressed his agreement with Council Member Dafoe's opinion. Council Member Don Dafoe explained that a large share of the City's revenue is generated by sales tax, and all of the residents of the West Millard area shop in Delta. Therefore, they are contributing to the revenues of the City, and because of this fact, he feels the preferred bidder's list and the requirement to purchase just from those businesses within the City limits is not justified. Council Member Dafoe also reminded the Council that many of the owners of the businesses just outside of Delta own and live on properties within the City limits; therefore, they are paying property tax within the City limits.

Attorney Peterson explained to the Council that the preferred bidder statute contained in the Utah Procurement Code only allows preference for bidders within the "local procurement unit." Therefore, he said, the City could

allow such a preference only for those bidders located within Delta City. He said the alternatives available to Delta City were to classify bidders within Delta City as preferred bidders or to abolish the policy. He said the boundaries for such preferences could not be extended to include all of West Millard County, as proposed.

Following further discussion of the issue, Council Member Don Dafoe MOVED to amend the bidding and purchasing policy of Delta City to discontinue the preferred bidder policy. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson then asked if there were any further questions or comments regarding the motion. There being none, he called for a vote on the motion. Voting was as follows:

Council Member Ruth Hansen	YES
Council Member Don Dafoe	YES
Council Member Gayle Bunker	YES
Council Member Neil Dutson	ABSTAIN
Council Member Craig Greathouse	NO

The motion passed.

OTHER BUSINESS

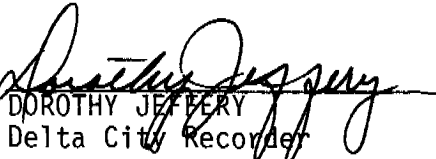
Council Member Gayle Bunker asked the Council to define double-wide mobile homes and where they can be placed. Attorney Peterson explained to the Council that court decisions have ruled that a double-wide mobile home is allowed in a residential lot if (1) it is a double wide, (2) is placed on a permanent foundation, and (3) meets the applicable building codes.

Council Member Neil Dutson reported on building inspector negotiations between Delta City and Millard County. Council Member Dutson stated the County asked that Delta City participate in the interviewing; however, the County will make the final decision on who to hire, the salary, and how long the contract period will be. Council Member Dutson then asked if there was any directions the Council wanted to give him. It was the opinion of the Council that Council Member Neil Dutson and City Manager Jim Allan would complete negotiations on the building inspector position and report the results to the Council.

Mayor Nielson then asked if there were any other items to be discussed at the Council meeting. There being none, Council Member Don Dafoe MOVED the meeting be adjourned. The motion was SECONDED by Council Member Neil Dutson. The motion carried and the meeting adjourned at 9:35 p.m.


GRANT S. NIELSON, Mayor

Attest:


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: March 25, 1985